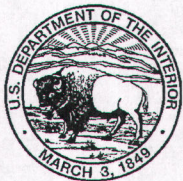


M/023/0012  
Wayne



## United States Department of the Interior

### BUREAU OF LAND MANAGEMENT

Fillmore Field Office

95 E 500 N

Fillmore, UT 84631

<http://www.blm.gov/ut/st/en/fo/fillmore.html>



RECEIVED

OCT 03 2014

IN REPLY REFER TO:  
3809 (UTW02000)  
UTU-70687

September 30, 2014

DIV. OF OIL, GAS & MINING

CERTIFIED MAIL # 7012 3460 0000 6633 2469  
RETURN RECEIPT REQUESTED

### DECISION

Mr. Josh Nelson	: 43 CFR 3809
Ash Grove Cement	: Surface Management Plan of Operations
P.O. Box 51	: UTU-70687_01
Nephi, Utah 84648	:

#### Plan of Operations – Determination of Required Financial Guarantee Amount

Your Plan of Operations (Plan), the Nielson Sandstone Quarry project, was inspected on August 6, 2014. The Plan is located in the Gilson Mountains of Juab County, Utah, in Township 14 South, Range 03 West, in aliquot parts of sections 11 and 13; Salt Lake Meridian. The Bureau of Land Management (BLM) case file number for your Plan is UTU-70687\_01. Please refer to this number in future correspondence. The corresponding Utah Division of Oil, Gas and Mining (UDOGM) case file number is M/023/0012.

The purpose of the inspection was to ensure compliance with the Surface Management Regulations, specified in the Code of Federal Regulations (CFR) at 43 CFR § 3809, and to gather data in order to perform a 3-year update for the surety bond requirements for the operation. BLM policy requires bond reviews and updates at 3-year intervals. The project includes two large quarry sites and approximately 3,147 meters (10,322 feet) of paved project road.

Amount of Financial Guarantee – The BLM Fillmore Field Office (FFO) has calculated a reclamation cost estimate, and consulted with UDOGM to update the Financial Guarantee. BLM has determined, together with UDOGM, that the amount of \$1,403,000.00 is sufficient to meet all anticipated reclamation requirements. The Financial Guarantee, or reclamation bond, has been held to date by UDOGM as a surety bond and on behalf of both agencies. The updated amount of the reclamation cost estimate is based on operator compliance with all applicable operational and reclamation requirements.

BLM's decision concerning the amount of the required financial guarantee does not relieve you,



the operator, of your responsibility to be in compliance with all applicable Federal, State and local laws and regulations, and to obtain all applicable Federal, State and local authorizations and permits. You are responsible for preventing any unnecessary or undue degradation of public lands and resources, and for reclaiming all lands disturbed by your operations.

Future Plans for Operation – Please inform the BLM and UDOGM of your future plans for the operation. There has been little observable activity at the two quarry locations in 2014. Please also provide an updated Interim Management Plan, as required by 43 CFR § 3809.401(b)(5), at the first opportunity. The Interim Management Plan must include measures to manage the project area during periods of temporary or seasonal closure. It must include measures to stabilize excavations and workings; provisions for the storage or removal of equipment, supplies, and structures; plans for monitoring site conditions during periods of non-operation; and a schedule of anticipated periods of temporary closure during which you would implement the Interim Management Plan. You must also include plans for notifying the BLM of unplanned or extended temporary closures.

Reclamation Requirement – If you prefer not to continue operations at this location, then you are responsible for reclamation of surface disturbances. If you do not plan to continue operations, then within 60 days of issuance of this decision, you must commence reclamation activity required by your Plan of Operations on file with the BLM and with regulations as specified in 43 CFR § 3809.335. Surface disturbance areas such as access roads and the quarry areas must be regraded to conform to the surrounding topography. Reshaped surfaces must be covered with a soil growth medium and the surfaces must be seeded with an appropriate seed mix. The seed mix will be provided by the BLM Fillmore Field Office upon request.

After mining operations at the project permanently cease, all initial reclamation activity, including required earthwork and reseeding, must be completed within 120 days of this decision or within 60 days of the initiation of activities. If there are difficulties, please provide notification to the BLM and UDOGM of the reason for delay. BLM resource specialists will continue to monitor your progress in meeting your reclamation obligations, including the success of the revegetation in the disturbed area. The BLM will inform you when all reclamation standards have been met and whether your obligations are complete.

If you decide not to proceed with your Plan of Operations and are unable to initiate reclamation activities due to weather or other factors, contact the BLM Fillmore Field Office to explain the reason for the delay. The BLM will work with you to prepare a schedule so that you may complete reclamation to BLM standards and avoid an outstanding bill. If necessary, collection procedures will be initiated to complete reclamation, as specified under 43 CFR § 3809.336(b).

Appeal of the Decision - If you do not agree and are adversely affected by this decision, in accordance with 43 CFR §3809.800, you may request that the BLM Utah State Director review this decision. If you request a State Director review, the request must be received in the BLM Utah State Office at:

Utah State Office  
Bureau of Land Management



440 West 200 South, Suite 500  
Salt Lake City, Utah 84101-1345

The request must be received no later than 30 calendar days after you receive this decision. A copy of the request must also be sent to the FFO. The request must be in accordance with the provisions provided in 43 CFR §3809.805. If a State Director review is requested, this decision will remain in effect while the State Director review is pending, unless a stay is granted by the State Director. Standards for obtaining a stay are given below. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

If the State Director does not make a decision regarding your request for review of this decision within 21 days of the BLM's receipt of the request, you should consider the request declined and you may appeal this decision to the Interior Board of Land Appeals (IBLA). You may contact the BLM Utah State Office to determine when the BLM receives the request for State Director Review. You have 30 days from the end of the 21 day period in which to file your notice of appeal with the IBLA (see procedures below).

If you wish to bypass a State Director review, this decision may be appealed directly to the IBLA in accordance with the regulations contained in 43 CFR Part 4 and the enclosed Form 1842-1. If an appeal is taken, your notice of appeal must be filed in the FFO at:

Fillmore Field Office  
Bureau of Land Management  
95 East 500 North,  
Fillmore, Utah 84631

Your notice of appeal must be filed within 30 days from the receipt of this decision. The appellant has the burden of proof showing that the decision appealed from is in error.

If you wish to file a petition pursuant to regulations 43 CFR 4.21 for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the IBLA, the petition for a stay must accompany your notice of appeal.

A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of this notice of appeal and petition for a stay must also be submitted to each party named in the decision and to the IBLA and to the appropriate Office of the Solicitor (see 43 CFR 4.413) at the same time the original documents are filed with the FFO. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

#### Standards for Obtaining a Stay

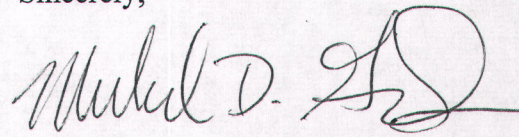
Except as otherwise provided by law or other pertinent regulation, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards:

1. The relative harm to the parties if the stay is granted or denied
2. The likelihood of the appellants success on the merits



If you have any questions or concerns please contact Duane Bays, Natural Resource Specialist, Fillmore Field Office, at (435) 743-3115.

Sincerely,

A handwritten signature in dark ink, appearing to read "Michael D. Gates", with a stylized flourish at the end.

Michael D. Gates  
Field Manager

Enclosures:  
Form 1842-1

cc:  
Opie Abeyta  
Utah State Office  
Bureau of Land Management  
440 West 200 South, Suite 500  
Salt Lake City, UT 84101-1345

Paul Baker  
UDOGM  
1594 W North Temple Ste 1210  
SLC, UT 84114-5801